

## REMARKS

### I. Objection to the Specification

1. The specification stands objected to because the background and summary section were not clearly identified. The specification has been amended to identify the background and summary sections. Applicants submit that the specification is now in compliance with 37 CFR 1.77(b).

### II. 112 Rejections

2. Claims 1-68 stand rejected under U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Applicants thank the examiner for the interview on 2/22/05 in which the 112 rejections A-O of the Office Action dated 12/1/04 were discussed. Examiner agreed to take claim amendments and supporting specification paragraphs [26]-[28] into consideration with regard to the 112 rejections.

More specifically, the Office Action for states that the specification indicates that “at least a pair of database statements is required in order to perform the execution plan for similar database statements” (Office Action 1 December 2004 page 4, lines 10-12) and yet claims 1, 12, and 44 recite “receiving a database statement from a client; determining if the statement is optimally shareable, sub-optimally shareable, or non-shareable”. Applicants submit that there are factors other than the likeness of the statements that control the similarity and hence the determination of optimally shareable, sub-optimally shareable, or non-shareable. Example supporting material from the specification is shown below. This list is not meant to be all inclusive.

[26] . . . A compiled SQL statement (in the form of a cursor) is specific to that statement, right down to the constants. In other words, what constitutes an optimal plan for one statement may not necessarily yield optimal execution for another statement that differs only by a constant. In developing an appropriate execution plan, the specific position of the literal within the statement may matter, as may the specific value of the literal vis-à-vis other object information, such as the number of rows in a table or view. As such, it is possible that cursor sharing is not desirable or usable for all types of SQL statements. In effect, certain types of SQL statements are more amenable to cursor sharing than other types of SQL statements. . . .

[27] TABLE 1 (Fig. 3) sets forth examples of various SQL statements with different combinations and positions of literals, showing varying levels of acceptability for sharing cursors for these statements according to one embodiment of the invention.

[28] . . . It is the factors mentioned above, and not merely the syntactical concurrence of any two statements, that controls similarity.

(Instant Application, paragraph [26]-[27] line 3 and paragraph [28] lines 10-11) underline added.

These examples from the specification indicate that the ability to share a statement is affected by the value of the literal, the position of the literal, the type of SQL statement, and the number of rows in a table, not merely by the syntactical concurrence of any two statements. Therefore, the determination of “optimally shareable, sub-optimally shareable, or non-shareable” does not require at least a pair but indicates which statements should be compared to a similar statement before reuse. As such Applicants respectfully request the 112 rejection to be withdrawn.

### III. Claim Rejections

1. Applicants thank the Examiner for the notification of allowable subject matter in claims 2-3, 6-7, 14-15, 18-19, 23-26, 28-31, 34-35, 38-39, 45-47, 49, 59-61, and 64-66.

For the purpose of early allowance claims 2, 3, 6, 45, and 46 have been rewritten in independent form including all the limitations of the base claim and any intervening

claims. Claims 1, 11-44, 47, and 56-68 have been cancelled. Dependent claims 4, 7-10, and 48 have also been amended. As such it is respectfully submitted that claims 2-10, 45-46, and 48-55 are in condition for allowance. The amendments to the claims are being made without acquiescing in the Office Action's reasons for rejection or without prejudice to pursue in a related application.

2. Claims 69-109 have been added. New claims 81, 88, 95 recite substantially the same limitations as claims 2-3, and 6 and as such are in condition for allowance for at least the same reasons. New claims 69-80, 82-87, 89-94, 96-109 depend from, claims 3, 6, 46, 48, 81, 88, and 95 and as such are in condition for allowance for at least the same reasons.

**CONCLUSION**

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. 50-2518, billing reference no. 7010992001.

Respectfully submitted,  
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Dated: March 1, 2005

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